

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION AT LOS ANGELES

GUANG TAI HE IMPORT EXPORT, INC.,

Plaintiff,

vs.

DANIEL P. MITCHELL, DOES 1-5, inclusive,

Defendants.

Case No. 2:24-cv-930-JFW-BFMx

**STIPULATED JUDGMENT AND
ORDER FOR PERMANENT
INJUNCTION**

Assigned to: Hon. John F. Walter
Action Filed: February 2, 2024

WHEREAS, Plaintiff, Guang Tai He Import Export, Inc. brought this action through its February 2, 2024 Verified Complaint (Dkt. No. 1) seeking declaratory relief and cancellation relating the term “SPC” and Defendant Daniel P. Mitchell’s related U.S. Trademark Reg. No. 5,305,381;

WHEREAS, the parties agree that this Court has both subject matter and personal jurisdiction over all claims and parties, with Defendant Mitchell having been properly and timely personally served;

WHEREAS, Defendant Daniel Mitchell, on behalf of himself, all assignees, licensees, affiliates and related persons, companies and entities (hereafter “Defendant” or “Mr. Mitchell”), hereby stipulates permanently and irrevocably that Plaintiff and its agents, successors, affiliates, vendors, customers, purchasers, resellers, advertisers, marketers, white labelers (e.g. Indiana Floors), or other related persons acting in concert with or on behalf of Plaintiff, now and

1 forevermore, may use the word mark “SPC” and that said use of SPC by Plaintiff or Related
2 Parties, whether or not contended to be trademark use, does not infringe on any rights, interests or
3 claims relating to trademark infringement, unfair competition, false advertising or related claims in
4 U.S. Registration No. 5,305,381, common law or other basis for rights in and to “SPC” or any
5 terms incorporating “SPC.” Defendant Daniel Mitchell also hereby waives all right of appeal in
6 and to the final judgment in this matter.

7 NOW THEREFORE, on the joint motion of the parties, and both subject matter and
8 personal jurisdiction being present, it is hereby **ORDERED, ADJUDGED** and **DECREED** as
9 follows:

10 (1) Daniel Mitchell, all assignees, licensees, affiliates and related persons, companies and
11 entities (hereafter “Defendant” or “Mr. Mitchell”) is permanently barred from directly or
12 indirectly (or through their agents or those acting under their direction or control) attempting to
13 enforce the “SPC” mark, including U.S. Registration No. 5,305,381, against Plaintiff, Guang Tai
14 He Import Export, Inc. and its successors, agents, affiliates, vendors, customers, purchasers,
15 resellers, advertisers, marketers, white labelers (e.g. Indiana Floors), or other related persons,
16 companies or entities acting in concert with or on behalf of Plaintiff (hereinafter “Related
17 Parties”);

18 (2) U.S. Customs and Border Protection is directed not to detain further shipments of
19 Plaintiff GUANG TAI HE IMPORT EXPORT, INC. or Related Parties on the basis of their using
20 “SPC,” “SPC FLOORING,” or similar wording, and is notified that Plaintiff GUANG TAI HE
21 IMPORT EXPORT, INC. and its Related Parties may continue to include reference to “SPC”,
22 “SPC Flooring” or similar terminology without infringing, misusing, or otherwise constituting
23 counterfeits of “SPC” or U.S. Registration No. 5,305,381;

24 (3) Defendant Daniel Mitchell shall immediately cooperate with Plaintiff GUANG TAI HE
25 IMPORT EXPORT, INC.’s importing of SPC flooring by providing an irrevocable letter of
26 authorization permitting Plaintiff and its Related Parties to import shipments notwithstanding their
27 use of the term on the goods, on the packaging, or anywhere else in the shipment, of the terms
28 “SPC” or “SPC Flooring,” or other terminology incorporating “SPC”, and take any other action

1 now or in the future required by or reasonably necessary for U.S. Customs and Border Protection
2 to release Plaintiff or its Related Parties' flooring products related to their use of the terms "SPC"
3 or "SPC Flooring";


4 (4) Defendant Daniel Mitchell shall not directly or indirectly interfere in Plaintiff's import
5 and sale of SPC flooring or flooring purporting to be SPC flooring;

6 (5) This Court hereby retains jurisdiction for the purposes of construction, modification
7 and enforcement of this Judgment and Order.

8 **JUDGMENT IS THEREFORE ENTERED** in favor of Plaintiff and against Defendant,
9 pursuant to all the terms and conditions recited above.

10 **IT IS SO ORDERED.**

11 Dated: March 18, 2024


HON. JOHN F. WALTER
UNITED STATES DISTRICT JUDGE

1 The parties, having been advised by counsel, hereby stipulate, consent and submit to the
2 above stipulated judgment and its terms and the representations stated herein.

3 Dated: March 15, 2024

TROUTMAN PEPPER HAMILTON
SANDERS LLP

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5 By: /s/ Ben L. Wagner
6 Ben L. Wagner

7 Attorneys for Plaintiff
8 Guang Tai He Import Export, Inc.

9
10 Dated: March 15, 2024

ROSS, WOLCOTT, TEINERT & PROUT
LLP

11
12
13 By: /s/ Andrew G. Prout
14 Andrew G. Prout

15 Attorneys for Defendant
16 DANIEL P. MITCHELL

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18 ATTESTATION OF FILER

19 Pursuant to L.R. 5-4.3.4(a)(2)(i), the undersigned hereby attests that all signatories have
20 concurred in the filing of this stipulation.

21
22 Dated: March 15, 2024

/s/ Ben L. Wagner
23 Ben L. Wagner